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09/598,767	06/22/2000	Fumiaki Takahashi	862.C1934	8469

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EXAMINER

PARK, CHAN S

ART UNIT PAPER NUMBER

2622

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/598,767

Applicant(s)

TAKAHASHI, FUMIAKI

Examiner

CHAN S PARK

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6/22/00.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/598767, filed on June 22, 2000.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 12-18, and 20-26 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ozawa et al. U.S. Patent No. 6,115,137.

2. With respect to claim 1, the Ozawa et al. reference discloses an image inputting apparatus (digital camera 10 in Fig. 16) comprising:

Capture means (image sensing circuit 38) for capturing an image;

Storage control means (image memory 32) for storing the captured image in a memory;

Communication means (116 in Fig. 15) for communicating with an information processing apparatus (PC 112) to which a printer apparatus (printer 114) is connected; and

Inputting means (print switch 408 in Fig. 18) for inputting a print request of the captured or stored image (col. 11, lines 37-39)

Wherein said communication means transmits a print execution instruction and an image to be printed to the information processing apparatus when said inputting means inputs the print request (col. 7, lines 40-44 & col. 8, lines 10-24).

As it can be noticed from Fig. 15, the Ozawa et al. invention is an improvement of the figure. By introducing direct communication means between a digital camera and a printer, the Ozawa et al. invention incorporates the necessary steps done by a PC or an information processing apparatus into the digital camera. However, the invention does not limit itself from strictly having only a digital camera and a printer. The reference further teaches that a PC or an information processing apparatus can be placed between the two devices (col. 21, lines 53-56). Therefore, it is inherent that there is communication means for transmitting image data among all three apparatus.

3. With respect to claim 2, the Ozawa et al. reference discloses a digital still camera (digital camera 10 in Fig. 16) as the image inputting apparatus.

4. With respect to claim 3, the Ozawa et al. reference uses a serial bus as the communication means (col. 17, lines 3-6).

5. With respect to claim 4, the Ozawa et al. reference further discloses the apparatus comprising:

Display means (display panel 34) for displaying the captured or stored image,  
and

Wherein said communication means transmits an image displayed on said display means as an image to be printed to the information processing apparatus when said inputting means inputs the print request (col. 8, lines 10-24 and Figs. 9A-D).

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6. With respect to claim 5, the Ozawa et al. reference further discloses display property setting means (Fig. 8) for setting a display property upon displaying an image on said display means (col. 7, line 61 – col. 8, line 9); and

Display property storage means (image memory 32).

Therefore, it would be inherent that the image memory stores the display properties prior to transmitting the edited image data to the printer for printing the image.

7. With respect to claim 6, the Ozawa et al. reference discloses display property being as least one of a lightness, gains of respective color components, contrast, color temperature, and gamma value (col. 7, line 61 – col. 8, line 9).

8. With respect to claim 7, the Ozawa et al. reference further discloses communication means that transmits the display property stored in said display property storage means together with the image to be printed to the information processing apparatus to print the image corresponding to the display property when said inputting means inputs the print request (col. 8, lines 53-54).

9. With respect to claim 8, the reference further discloses layout setting means for setting a layout upon printing an image and wherein said communication means transmits the set layout together with the image to be printed to the information processing apparatus when said inputting means inputs the print request (col. 8, lines 10-54).

10. With respect to claim 12, as noted in claim 1, the Ozawa et al. invention incorporates the necessary steps done by a PC or an information processing apparatus

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into the digital camera. However, the invention does not limit itself from strictly having only a digital camera and a printer. The reference further teaches that a PC or an information processing apparatus can be placed between the two devices (col. 21, lines 53-56). Therefore, when a separate information processing apparatus is present, it is inherent that the information processing apparatus has communication means for receiving a print execution instruction and an image to be printed from an image inputting apparatus. It is also inherent to include a control means for further transmission of image data to the printer apparatus to be printed.

11. With respect to claim 13, arguments analogous to those presented for claim 2, are applicable.

12. With respect to claim 14, arguments analogous to those presented for claim 3, are applicable.

13. With respect to claim 15, the Ozawa et al. reference further discloses image processing means (CPU 20) for performing an image process for an image to be transmitted to the printer apparatus (col. 4, lines 63-66).

14. With respect to claim 16, arguments analogous to those presented for claim 6, are applicable.

15. With respect to claim 17, the Ozawa et al. reference further discloses image processing means executing the image process in accordance with a display property received from the image inputting apparatus together with the image to be printed (col. 7, lines 40-44).

16. With respect to claim 18, the Ozawa et al. reference further discloses image processing means generating image data to be printed in accordance with layout information received from the image inputting apparatus together with the image to be printed (col. 8, lines 10-24).

17. With respect to claim 20, arguments analogous to those presented for claims 1 and 12, are applicable. The reference teaches that a PC or an information processing apparatus can be placed between the two devices (col. 21, lines 53-56). Therefore, it is inherent that there is communication means for transmitting image data among all three apparatus.

18. With respect to claim 21, arguments analogous to those presented for claim 1, are applicable.

19. With respect to claim 22, arguments analogous to those presented for claim 12, are applicable.

20. With respect to claim 23, arguments analogous to those presented for claim 1, are applicable. Also refer to col. 21, lines 64-67.

21. With respect to claim 24, arguments analogous to those presented for claim 12, are applicable. Also refer to col. 21, lines 64-67.

22. With respect to claim 25, the reference discloses a digital camera having communication means wherein the communication means has setting means for setting an edit process of the image to be printed, and sends edit process information indicating the set edit process (col. 7, line 40 – col. 8, line 9).

23. With respect to claim 26, the reference teaches the method of launching a program corresponding to contents of the edit process (col. 21, lines 64-67).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. as applied to claims 1-8 above, and further in view of Ota U.S. Patent No. 6,201,571.

24. With respect to claim 9, the Ozawa et al. reference discloses all the limitations disclosed in claims 1 and 8, but it does not explicitly disclose display means for displaying a pointing cursor together with the captured or stored image, and wherein the layout is set by moving the pointing cursor by said layout setting means.

The Ota reference discloses a digital camera having display means for displaying a pointing cursor together with the captured or stored image. The pointing cursor further selects a desired captured image to be edited and image processed (col. 10, lines 1-17). Also, Examiner takes Official Notice that setting layout by moving the pointing cursor by the layout setting means is well known in digital image displaying art.

Ozawa et al. and Ota are analogous art because they are from the same field of endeavor that is digital image displaying art.



It would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the pointing cursor for selecting a captured image and set the layout in the image since Examiner takes Official Notice that setting layout by moving the pointing cursor by the layout setting means is well known in digital image displaying art.

Therefore, it would have been obvious to combine Ozawa et al. and Ota to obtain the invention as specified in claim 9.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. as applied to claim 1 above, and further in view of Sarbadhikari et al. U.S. Patent No. 5,477,264.

25. With respect to claim 10, the Ozawa et al. reference discloses all the limitations disclosed in claim 1, but it does not explicitly disclose an inputting apparatus comprising:

Template image storage means for storing information indicating a plurality of template images, which can be composited with the captured or stored image; and

Selection means for selecting a template image to be composited, and

Wherein said communication means transmits information indicating the selected template image together with the image to be printed when said inputting means inputs the print request.

The Sarbadhikari et al. reference, on the other hand, discloses a digital camera including algorithms for correcting and editing images (col. 10, lines 4-23). It further discloses the digital camera comprising:

Template image storage means for storing information indicating a plurality of template images, which can be composited with the captured or stored image; and

Selection means for selecting a template image to be composited, and

Wherein said communication means transmits information indicating the selected template image together with the image to be printed when said inputting means inputs the print request (col. 10, lines 24-53).

Ozawa et al. and Sarbadhikari et al. are analogous art because they are from the same field of endeavor that is digital still camera art.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to implement the Sarbadhikari et al. template image to the Ozawa et al. layout setting option means.

The suggestion for doing so would have been to provide a custom layout template instead of one of the predefined layout setting.

Therefore, it would have been obvious to combine Ozawa et al. with Sarbadhikari et al. to obtain the invention as specified in claim 10.

26. With respect to claim 11, the Bubie et al. reference further discloses the template image storage means for storing thumbnail images (reduced image) of the template images (col. 11, lines 1-5). Also, Examiner takes Official Notice that the use of thumbnail images of the template images is well known method in the art.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. as applied to claims 12 and 15 above, and further in view of Sarbadhikari et al.

27. With respect to claim 19, arguments analogous to those presented for claim 10, are applicable. Again, the Ozawa et al. reference teaches that a PC or an information processing apparatus can be placed between the two devices (col. 21, lines 53-56). Therefore, it is inherent that there is communication means for transmitting image data among all three apparatus.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. as applied to claims 12 and 15 above, and further in view of the applicant's acknowledgement as a prior art.

28. With respect to claim 27, the Ozawa et al. reference discloses all the limitations of claims 1 and 25, but it does not explicitly disclose the edit process information having a DPOF format.

The applicant, on the other hand, admits that using DPOF as a standard format for setting an image to be printed from sensed images on digital camera is well known in the art (page 42, lines 8-12).

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,441,850 to Dotsubo et al. discloses a digital camera system having a CPU that employs template images for creating composite image data.

U.S. Patent 6,577,338 to Tanaka et al. discloses a digital camera system having a print key and communication means for transmitting the print data.

U.S. Patent 6,618,078 to Budrys discloses a print-capable digital camera which can print the captured image in one of a range of sizes.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAN S PARK whose telephone number is (703) 305-2448. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Chan S. Park

October 21, 2003

  
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